

Minutes of the **MEETING** of the Council of the Walsall Metropolitan Borough held on **Monday 19th July 2010 at 6.00 p.m.** at the Council House.

Present

Councillor A.G. Clarke (Mayor) in the Chair

Councillor G. Perry (Deputy M	ayor) Councillor	L.D. Jeavons
" A.J.A. Andrew	"	M. Longhi
" R.E. Andrew	"	S.W. Madeley
" T.G. Ansell	66	Ms. R.A. Martin
" D.A. Anson	66	Mrs. B.V. McCracken
" M. Arif	66	M. Munir
" I. Azam	44	Mushtaq Ahmed
" J.M. Barton	66	J.G. Hare
" O.D. Bennett	"	T.S.Oliver
" M.A. Bird	"	A.J. Paul
" C. Bott	"	D.J. Pitt
" P. Bott	"	I.C. Robertson
" R. Carpenter	"	J. Rochelle
" B. Cassidy	"	H.S. Sarohi
" K. Chambers	"	K. Sears
" J. R. Cook	"	P.E. Smith
" D. Coughlan	"	R.M. Thomas
" S.P. Coughlan	"	C.D.D. Towe
" C.U. Creaney	"	D.J. Turner
" A.E. Griffiths	"	F.J. Westley
" A.D. Harris	íí.	G. Wilkes
" L.A. Harrison	"	V.G. Woodruff
" E.F. Hughes	"	M. Yasin
" P.F. Hughes	"	Zahid Ali

27. Prayers

Prayers were offered by the Reverend Mark Kinder, St. Paul's The Crossing.

28. Apologies

Apologies for non-attendance were submitted on behalf of Councillors Burley, Flower, Nazir, Phillips, E. Pitt, D. Shires, I. Shires and Tweddle.

29. Minutes

Resolved

That the minutes of the meetings held on 24th May and 7th June 2010, copies having been sent to each member of the Council, be approved as correct records and signed.

30. **Declarations of interest**

There were no declarations of interest.

31. **Petitions**

The following petitions were submitted:

- Councillor Anson yellow lines at Gower Street junction of Darlaston Road
- (2) Councillor Oliver against Fullbrook Library play area playbuilder.
- (3) Councillor Oliver Use of Croft School astroturf.
- (4) Councillor Cassidy Brownhills senior citizens' club.
- (5) Councillor Sears Bus services along Friezland Lane, Walsall Wood.

32. Mayor's announcements

(1) Bloxwich West by-election result

The Mayor reported the result of the by-election for the Bloxwich West Ward on 15th July 2010 as follows:

Names of candidates	No. of votes polled	Candidate elected
Cockayne, Christine Henderson, Zoe Smith Theresa Valdmanis, Paul Westley, Frederick James	71 28 800 91 1142	Frederick James Westley

Turnout 22.05%

(2) Welcome

The Mayor welcomed Councillor Fred Westley as a member of the Council.

33. Questions by members of the Council

(1) Regeneration of Goscote and Harden

Councillor Smith asked the following question of Councillor A. Andrew:

"Given that large swathes of land on what was Goscote Estate and large parts of Poets' Estate have remained undeveloped for some years following the demolition of hundreds of structurally sound properties and given, especially in the light of the General Election and cuts to the spending plans of the Homes & Communities Agency, that no-one now seems to know exactly when the regeneration of Harden & Goscote will be completed, will the Portfolio Holder for Regeneration outline what plans, if any, the Council and its appropriate partners now have to address and manage, for what could be several years to come, the nuisance, the eyesores, the theft, the fly tipping, the fires and other related criminal and anti social activities that are taking up a disproportionate amount of Police & Fire Service resources and bringing this Council and its partners into disrepute within the local community?"

Councillor Andrew replied that Walsall Housing Group, the Fire Service and the Council's Street Pride team had recently met. The majority of the sites were in the ownership of Walsall Housing Group, aside from the highways which the Highways Agency remained responsible for, who will be expected to take the lead in working with partners and local communities to manage these sites.

He said that the Council and Walsall Housing Group were currently working with Groundwork West Midlands on proposals to undertake a community led enhancement project on the cleared sites within the Poets Estate area. These proposals aimed to engage local residents in both shaping the nature of the works to be undertaken, offer volunteering opportunities in physical projects and hopefully engender a sense of neighbourhood pride in the locality. The programme aimed to tackle the most pressing issues that the community had reported to local Councillors through engagement work.

Councillor Smith asked the following supplementary question:

Could Councillor Andrew say when the regeneration of Harden and Goscote will be completed?

Councillor Andrew said that with the financial situation at the moment he could not say exactly.

(2) Sickness absence

Councillor Robertson asked the following question of Councillor Towe:

"What is the detailed breakdown in reasons for sickness absence by employees of this Council over the last year along with a length of time absence expressed if possible please in numbers of weeks absent for individual employees and cost of providing cover either by agency staff or by seconding other employees to cover these absences?"

Councillor Towe explained the top three leasons for sickness absence during 2009/10.

He said that back, neck and other musculo-skeletal problems accounted for 3,720 equivalent weeks absence and affected 14% of employees which was an average of 13 days lost for each employee affected. A total of 3,310 equivalent weeks absence, but only affecting 5% of the workforce, an average of 32 days lost for each employee affected were lost due to stress, depression, mental health and fatigue syndrome. Finally infections accounted for 2,816 equivalent weeks absence and affected 35% of the workforce, an average of 4 days being lost for each employee affected.

Councillor Smith asked for a report on a regular basis.

Councillor Towe replied that he had additional information which he would share with Councillor Robertson.

(3) Walsall Children's Services/Serco

Councillor Cassidy asked the following question of Councillor R. Andrew:

"Could the portfolio holder for Children's Services disclose to this Council and the residents of this borough the salaries and bonuses received by senior officers in the employ of Walsall Children's Services/SERCO for the year-ending March 2010 - either individually or by salary range:

- the number of officers receiving £50,000 £75,000 per annum
- the number of officers receiving £75,001 £100,000 per annum
- the number of officers receiving £100,001 £125,000 per annum
- the number of officers receiving over £125,001 £150,000 per annum
- the number of officers receiving over £150,000 per annum

and further the amount and methodology of any bonuses which were paid to those officers in addition to their salaries?"

Councillor R. Andrew said that from information received from Walsall Children's Services, Serco, a few posts were included in a bonus scheme that was dependant on achieving agreed targets and the bonus was normally up to a maximum of 5% of the salary, but details for this year were not available.

She said that there were no officers who received a salary of over £150,000 or between £125,000 and £150,000 per annum. One officer received between £100,000 and £125,000 and there were two officers receiving a salary between £75,000 to £100,00 per annum. The number of officers receiving salaries of £50,000 to £75,000 per annum was 43.

Councillor Smith asked that when details of the bonuses were known could they be made available

Councillor Andrew replied that if the information was in the public domain she would pass this on.

(4) Walsall Police – use of taser guns

Councillor Smith asked the following question of Councillor Arif, the Council's representative on the West Midlands Police Authority:

"Given that Walsall Police are now empowered to use taser guns which, when fired, conducts 50,000 volts of electricity per shot into a person and can leave barbs embedded in the body that may require hospital treatment to remove, can the Walsall Council representative for the West Midlands Police Authority inform me, this Council and the public how many times the Police have used these weapons in the Walsall Borough on an unarmed person within the confines of the person's own home?"

Councillor Arif replied that records were kept (Home Office form V10) each time a authorised taser officer "uses" taser. He said that "use" could be in a number of ways, for example, by "arcing" taser or "red-dotting" a subject who ceased to be threatening and became compliant, by "drive-stun" or by full redeployment.

Taser was first deployed by non-firearms officers in the Walsall borough in October 2009, since this time there had been 138 uses of taser out of which it was actually fired 27 times (20%). This backed the national statistics that in 8 of out 10 uses taser was merely drawn or "red-dotted" and not actually fired.

Councillor Arif said that unfortunately to retrieve specific information such as whether a person was armed or not in the "confines of their own home" would require the force to read every V10 that was submitted and this information was not available at this stage.

All deployments of taser were reviewed by an inspector, in certain cases a superintendent and then all uses were reviewed by the force centrally. These three levels of scrutiny had found that all uses in Walsall were appropriate.

(5) Public sector pay cuts

Councillor Smith asked the following question of Councillor Towe:

"Given that public sector workers and in particular local authority workers and services seem to have become the scapegoats for the excesses of bankers' bonuses, casino banking practices, MPs expense claims and the obscene income levels of the very rich (the latter bloated even further after 13 years of New Labour) and given also that those who manage to keep their local authority jobs now face the prospect of big pay cuts in real terms, attacks on their State and works pensions in future years and the extra pressure and stress of "enforced productivity" ("working smarter" as managers call it) as posts are deleted and surviving staff are expected to cover the extra work required, will the Portfolio holder for Finance & Personnel explain whether the political administration running Walsall Council is seriously intent on delivering a further body blow to its morale sapped staff by depriving them of 3 Bank holiday days or whether this is a mere threat which it is using as a "bargaining chip" in its dispute with thousands of our Council workers who are threatened with even further pay cuts as a result of the single status pay review?"

Councillor Towe said that the proposal to remove what are referred to as bank holiday Tuesday's was included in a package of proposals as part of the Council's move to implement single status. Other Councils in the region removed this extra day of Council closure some years ago. The implementation of single status allowed us to review some outdated practices that did not serve our citizens well. Closure on bank holiday Tuesday when other private businesses and public services were open as usual did not provide good service.

Negotiations on the implementation of single status were in progress with recognised trade unions representing staff.

Councillor Smith asked the following supplementary question:

Will Councillor Towe comment on the fact that other authorities who open on bank holiday Tuesdays have those days added to the holidays of staff and why Walsall is going further? Councillor Towe replied that this would be part of the single status negotiations in progress at the moment, but that we are saying as a Council we will stay open on bank holiday Tuesdays.

(6) Dealing in scrap metal businesses from home without planning permission

Councillor Smith asked the following question of Councillor A. Andrew:

"Would the portfolio holder inform me, this Council and the public how many complaints have been made to Walsall Council since 2 July 2007 on a ward by ward basis relating to allegations of residents dealing in scrap metal businesses from home without planning permission?"

Councillor A. Andrew replied that there had been 17 cases of that nature which the Council had investigated following receipt of complaints since 2nd July 2007. These were within the following wards:

Bentley/Darlaston North	2
Blakenall	5
Bloxwich East	4
Bloxwich West	1
Brownhills	1
Darlaston South	2
Palfrey	1
Pelsall	1
Pleck	1
Pheasey Park Farm	1
St. Matthews	1
Streetly	1
Willenhall South	3

(7) Restricted works to vehicles on the street – fixed penalty notices

Councillor Smith asked the following question of Councillor Ali:

"Given that Section 4 of Part 2 of Chapter 16 of the Clean Neighbourhoods and Environment Act 2005 addresses the nuisance caused by people repairing their vehicles on the street and makes it therefore an offence to carry out "restricted works" (repairs, maintenance, servicing, improvement or dismantling) to a vehicle or any part of a vehicle on a road and given further that Authorised officers have the power to issue a Fixed Penalty Notice of £100 to any person deemed to have committed an offence under s4 of the 2005 Act, would the Portfolio holder inform me, this Council and the public, how many times the Council has used these powers to investigate and issue fixed penalties for such breaches of the law, since July 2 2007?"

Councillor Ali replied that in 2008 two complaints were received, in 2009 there were nine and so far in 2010 there had been eight. There had been over 2,200 complaints about all matters relating to the highway which had been dealt with by the licensing enforcement team in the same period.

He said that legislation provided for limitations to the circumstances in which the prohibition applies. For example, if works not carried out in the course of a business of carrying out restricted works, in response to an accident or breakdown, then the prohibition on carrying out repairs, etc, to vehicles did not apply.

Taking these limitations into account, the complaints referred to had been dealt with by officers by way of verbal and written advice in accordance with the service's enforcement policy. To date, no fixed penalty tickets had been issued as the informal advice had either prevented repeat breaches or there had been insufficient evidence available to fulfil all the elements of the offence to enable further action to be taken. Councillor Ali said this was constantly reviewed and, if it was considered appropriate in future, then formal action of issuing fixed penalty tickets or prosecution would be considered.

Councillor Smith asked the following supplementary question:

Would Councillor Ali accept that over 3 years there had been only a handful of complaints, nothing on the fixed penalty route?

Councillor Ali said that only complaints received could be dealt with.

(8) Register of scrap metal dealers

Councillor Smith asked the following question of Councillor Ali:

"Given that the Scrap Metal Dealers Act of 1964 states that "Every local authority shall maintain a register of persons carrying on business in their area as scrap metal dealers", would the Portfolio holder inform me, this Council and the public, of the number of additions to the register that have been made since 2 July 2007?"

Councillor Ali said that he took the question to mean how many new entries had been made to the register. Councillor Ali stated that in 2007 there were no additions and 2008 there were two. In 2009 there were two registrations and up to the end of June 2010 there had been five.

(9) Scrap metal and/or car repair businesses in residential areas – Statutory nuisance

Councillor Smith asked the following question of Councillor Ali:

"Given that the Environmental Protection Act 1990 identifies a number of issues which can constitute a Statutory Nuisance including noise, odour, accumulations or deposits, dust etc. and bearing in mind that whether a Statutory Nuisance exists depends on several factors, including the severity, duration, frequency and whether it would interfere with the "average" person's reasonable enjoyment of their property, would the portfolio holder inform me, this Council and the public, of the number of times since 2 July 2007 that Walsall Council has successfully used its powers under this Act to address and solve issues relating to the running of scrap metal and/or car repair businesses in residential areas? "

Councillor Ali said within this context, since 2nd July 2007, at least 2,675 complaints of waste accumulations at domestic and commercial premises had been recorded in the Environmental Health division. Following on from these complaints, 469 enforcement notices had been served on the owners or occupiers of 289 premises for breaches of waste legislation. Of these, only one definitely related to waste accumulating as part of a scrap business.

In the same period 5,939 complaints of noise had been received and subsequently 138 noise abatement notices had been served, although none were specifically for noise created by scrap dealers.

Councillor Ali said it was also likely that any activities such as these that take place at property belonging to Registered Social Landlords (such as WHG) would be passed to them for investigations into Breach of Tenancy with an offer of assistance should it be required. There was partnership working between the Police and WHG to cut down on the nuisance caused by scrap metal businesses.

Councillor Smith questioned asked the following supplementary question:

Is it correct that in the three year period, there had only been one complaint regarding scrap metal and one relating to noise?

Councillor Ali replied that action could only be taken following the receipt of complaints.

(10) Planning enforcement

Councillor Smith asked the following question of Councillor A. Andrew.

"Given that Walsall Council's Planning Services have 7 less posts now compared to 2 years ago and given that there is no guarantee that any future vacant posts in Planning & Enforcement would be filled as a result of the Council's approach to the Conservative /Liberal Coalition Government cuts, would the Portfolio holder inform me, this Council and the public, the extent to which the low number of Planning enforcement officers in post to cover the whole of the Borough, has impaired the Council's ability to investigate and successfully resolve the number of alleged planning breaches that have been brought to its attention since July 2 nd 2007? "

Councillor Andrew replied that an additional senior planning officer post had been created therefore there had been no loss in the number of officers dedicated to dealing with planning enforcement in the borough. This represented the same number of dedicated officers as defined as being the average number compared to other statistically similar authorities as evidenced in the recent value for money scrutiny panel review.

He said all posts were currently filled and there were no plans to make further savings in planning enforcement. Moreover the restructure of the service completed in April this year meant that the existing planning officer capacity within the two area based development management teams could flex according to priorities.

Councillor Smith asked the following supplementary question:

Therefore would Councillor Andrew dispute information given by a senior officer that until May of this year that there were approximately four enforcement officers for the whole of the borough that is two for the east and two for the west?

Councillor Andrew reiterated that the restructure had made the enforcement section more flexible.

34. Council's response to Emergency Budget 2010/11

The report to Cabinet was submitted

Councillor Bird **moved** and Councillor Towe seconded the recommendation from the meeting of Cabinet held on 16th July 2010:

- (1) That the reduction in grant income to the Council of £7.762m be noted
- (2) That the revenue and capital options as outlined in Appendices 1, 2 and 3 which constitute a revision to the Council's current revenue and capital budget, be approved.
- (3) That the balance between the revenue savings proposals and loss of grant of £0.601m be pooled by the creation of a reserve to fund any further reductions in in-year grant and fund any in year pressures as a direct result of the loss of government funding (e.g. redundancy implications).
- (4) That it be noted that the current net budget requirement of £245.496m remains unchanged as the grant income reduction has been directly offset by reductions in expenditure and creation of a reserve.

On being put to the vote the motion was declared carried – 28 members voting in favour and 16 against and it was:

Resolved

- (1) That the reduction in grant income to the Council of £7.762m be noted
- (2) That the revenue and capital options as outlined in Appendices 1, 2 and 3 which constitute a revision to the Council's current revenue and capital budget, be approved.
- (3) That the balance between the revenue savings proposals and loss of grant of £0.601m be pooled by the creation of a reserve to fund any further reductions in in-year grant and fund any in year pressures as a direct result of the loss of government funding (e.g. redundancy implications).
- (4) That it be noted that the current net budget requirement of £245.496m remains unchanged as the grant income reduction has been directly offset by reductions in expenditure and creation of a reserve.

35. State of Walsall debate

The report of the Chief Executive was submitted.

Councillor Smith on a point of order asked what were the rules of the debate.

The Chief Executive referred to the letter which had been sent to members which allowed for the Leader to speak for 15 minutes and for each of the two leaders of the opposition to speak for 5 minutes each with members of the Council having the opportunity to speak for 2 minutes.

The Chief Executive informed the Council that representatives from NHS Walsall, the Police and Walsall Housing Group were present to answer questions, if necessary.

Councillor Bird opened the debate by setting out the challenges for the future for the Council both from budgetary restraints and regeneration challenges for the borough.

Councillors Oliver and P. Hughes (for the Leader of the Liberal Democrat Group) spoke for 5 minutes. The following members spoke in the debate: Councillors Smith, Westley, Wilkes, Cassidy, Anson, Coughlan, E. Hughes, Madeley, Robertson and Jeavons.

Councillor Bird replied to the debate and thanked the Council's partners for attending the meeting this evening.

At this point in the meeting, it was **moved** by Councillor Oliver and duly seconded:

That Council procedure rule 9(a) be suspended for the remainder of the meeting in order to enable the business to be completed.

On being put to the vote the motion was declared carried and it was:

Resolved

That Council procedure rule 9(a) be suspended for the remainder of the meeting in order to enable the business to be completed.

36. Recommendation of Cabinet – Public Safety Food Law Enforcement Plan

The report to Cabinet was submitted.

It was **moved** by Councillor Ali, seconded by Councillor Bird and:

Resolved

That the Public Safety Food Law Enforcement Plan for the year 2010/11 be approved.

37. Recommendation of Community Services Scrutiny and Performance Panel co-opted member from West Midlands Police Authority

Resolved

That, in accordance with Part 4.5 paragraph 3 of the Walsall Council Constitution, Mr. Phillip Holmes JP be appointed to the Community Services Scrutiny and Performance Panel as a non-voting co-opted member.

38. Portfolio holder presentation

Councillor A. Andrew, portfolio holder for Regeneration gave a presentation of the overview of work being carried out within his portfolio and in doing so thanked the cross party working group of all members of the Council. He highlighted work being carried out at grass roots level and touched on the low level of skills in the borough and the need to address this. He also mentioned lack of growth in the business sector. He went on to mention successes within his portfolio and cited the St. Matthews Quarter Phase 1, the hospital and the new College and went on to say that neglect within district centres must be addressed and that local communities interests would be put first.

Councillors Anson, Robertson, Coughlan, Westley and Smith made comments which were replied to by Councillor Andrew.

39. Amendments to contract rules

The report was submitted.

It was **moved** by Councillor Bird, duly seconded and:

Resolved

- (1) That the current contract rules forming part of the Financial and Contract Rules paragraphs 1.6 and 10 to 17 be removed from the Constitution.
- (2) That the Council adopts the contract rules set out in the report and appendices in replacement for the paragraphs referred to (1) above.
- (3) That authority be delegated to the Monitoring Officer to determine the commencement date for the changes approved in (1) and (2) above.
- (4) That authority be delegated to the Monitoring Officer to make and determine the application of the proposed changes in relation to procurement exercises commenced prior to the implementation of the changes.

40. Members allowances scheme

The report was submitted

It was **moved** by Councillor Bird, duly seconded and:

Resolved

- (1) That the Assistant Director of Legal and Constitutional Services in consultation with the Members' Working Group, be delegated authority to establish an independent panel to review the Members' Allowances Scheme.
- (2) That the Assistant Director of Legal and Constitutional Services obtain one nomination from each of the Group Leaders to serve on the working group referred to in (1) above.
- (3) That the findings of the Independent Review Panel and their recommendations be reported back to the Council.

41. Protocol for the practical operation of the call-in procedure

The report was submitted.

It was **moved** by Councillor Bird, duly seconded and:

Resolved

- (1) That the protocol for the practical operation of call-in as set out in the Constitution be amended to refer directly to the guidance notes.
- (2) That the guidance notes be amended to reflect the practicalities of invitations to attend call-in meeting.
- (3) That the Constitution be amended accordingly.

42. Annual scrutiny report 2009/10

The report was submitted.

It was **moved** by Councillor Longhi, duly seconded and:

Resolved

That the annual scrutiny report for the 2009/10 municipal year be noted and that this inform the further development of the Council's scrutiny function.

43. Walsall Partnership accountable body agreement

The report was submitted.

Resolved

That the Walsall Partnership Accountable Body Agreement be approved and adopted.

44 West Midlands (Metropolitan Area) Road Safety Partnership Board

Resolved

That Councillor Ansell be appointed to serve on the West Midlands (Metropolitan Area) Rod Safety Partnership Board for the municipal year 2010/11.

45. Notice of motion – Government spending review

The following motion, notice of which had been duly given was **moved** by Councillor Oliver and seconded by Councillor Coughlan:

This Council notes that the Government:

- plans to reduce the deficit much further and faster than the Labour government with a consequent threat to the recovery and greater damage to public services
- has imposed additional in year cuts to local Council programmes costing this Council £5.5 million (and rising)
- has chosen to increase VAT, a regressive tax bearing hardest on the least well-off
- has frozen child benefit, cut disability benefit and housing benefit, and abandoned the free school meals programme which would have helped 500,00 children
- and in do doing has penalised people on low and middle incomes, while doing little to ensure that the well-off bear their fair share.

Walsall Council calls on the Government to rethink its approach and resolves as part of the consultation process announced by the Government over the spending review to engage with the local community to identify priorities for the protection of local services and the local economy.

On being put to the vote the motion was declared lost – 18 members voting in favour and 25 against.

46. Notice of motion – Businesses dealing in scrap and associated activities from their homes

The following motion, notice of which had been duly given was **moved** by Councillor Roberston and seconded by Councillor Thomas:

This Council welcomes both the efforts of individuals and those running a business, to increase recycling.

Council notes the Notice of Motion passed on 2nd July 2007 relating to residents dealing in scrap and associated businesses from their homes without planning permission, where "this Council resolves to make every effort via a full strength enforcement team to stop this activity and to urge and give every assistance to our partners such as the environmental agency and the police . Further this Council will also share such information with Walsall Housing Group to encourage them to enforce their tenancy agreements which are clearly being broken in these cases and where appropriate information will be shared with our statutory partners."

This Council notes with concern that since that notice, the problem appears to have become considerably worse and is affecting an even wider area of streets in this Borough. Council resolves to have urgent discussions with local Councillors, the Police, the environmental agencies, Walsall Housing group, and other appropriate agencies on how this serious anti social behaviour can be permanently stopped, while still encouraging the efforts of the more responsible people in recycling various forms of scrap or 'tat'.

On being put to the vote the motion was declared carried and it was:

Resolved (unanimously)

This Council welcomes both the efforts of individuals and those running a business, to increase recycling.

Council notes the Notice of Motion passed on 2nd July 2007 relating to residents dealing in scrap and associated businesses from their homes without planning permission, where "this Council resolves to make every effort via a full strength enforcement team to stop this activity and to urge and give every assistance to our partners such as the environmental agency and the police . Further this Council will also share such information with Walsall Housing Group to encourage them to enforce their tenancy agreements which are clearly being broken in these cases and where appropriate information will be shared with our statutory partners."

This Council notes with concern that since that notice, the problem appears to have become considerably worse and is affecting an even wider area of streets in this Borough. Council resolves to have urgent discussions with local Councillors, the Police, the environmental agencies, Walsall Housing group, and other appropriate agencies on how this serious anti social behaviour can be permanently stopped, while still encouraging the efforts of the more responsible people in recycling various forms of scrap or 'tat'.

The meeting terminated at 9.25 p.m.